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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1152 OF 2006
IN
SUIT NO.1720 OF 1984

M/s.Gandhi Patel, Quereshi & Kagalwala).. Plaintiffs

Versus

Smt.Lilavati S. Parekh).. Defendant

Ms.Sunita R. Tiwari for the Plaintiffs.

Mr.L.C. Joshi for Defendant No.2.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 17TH APRIL 2006

P.C.:

. By consent, Notice of Motion heard finally.

2. By an Order dated 30th September 2005, this Court had set aside the order of dismissal of the Suit on the condition that the Plaintiffs were directed to pay costs to the Defendant quantified at Rs.10,000/-. Admittedly, this cost was not paid and, therefore, the Suit stood dismissed. It was not restored.

3. By the Order dated 3rd March 2006 passed in Suit No.1720 of 1984, this Court had observed that the Suit was restored subject to the payment of costs of

Rs.10,000/- by the Plaintiffs. Since the direction issued against the Plaintiffs was not complied with, the Suit was deemed to have been dismissed for non-compliance of the Order dated 30th September 2005.

4. In my view, no case for granting any relief has been made out. Notice of Motion dismissed.